IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1625 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI
and
Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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STATE OF GUJARAT

Versus

KALIBA WD/O BHAIRAVSINH MANSINH

Appearance:

1. First Appeal No. 1625 of 1999
Mr.Premal Joshi, learned AGP for appellant No. 1-2
NOTICE SERVED for Respondent No. 1-2

CORAM : MR.JUSTICE D.K.TRIVEDI

and

MR.JUSTICE C.K.BUCH

Date of decision: 11/09/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE D.K.TRIVEDI)

1. This Appeal is filed by the State of Gujarat challenging the judgment and award passed by the learned 2nd Extra Assistant Judge, Godhra dated 16.11.98 in Land Acquisition Reference No.369/93. Mr.Joshi, learned AGP has produced the certified copy of the judgment of the Division Bench dated 14.3.2000 passed in First Appeal No.2495/99 wherein the Division Bench has allowed the Appeal of the Panchayat partly and the Division Bench has fixed the market value of the acquired land of village Katwara at Rs.10.50 Ps. per sq.mt. This Appeal is also filed by the State challenging the judgment of the trial court. Unfortunately while notifying the First Appeal No.2495/99, the present Appeal was not listed for final hearing and accordingly the same has remained pending.

2. As found from the judgment under challenge, the Notification under Section 4 of the Land Acquisition Act was published on 30.7.92 and the land situated at village Katwara was acquired and the Land Acquisition Officer has fixed the market value of the land at the rate of Rs.1.38 per sq.mt. At the instance of the claimants, Reference was moved before the District Court and the Reference Court has granted additional amount of Rs.16.02Ps. per Sq.Mt. in favour of the respondent - claimant.

3. While dealing with the Appeal filed by the acquiring body, namely, Executive Engineer, District Panchayat, Godhra, the Division Bench has fixed the market value of the land at the rate of Rs.10.50 Ps. per sq.mt. In view of the decision in First Appeal No.2495/99, the present Appeal is ordered to be disposed of accordingly by observing that the market value of the land has already been determined at Rs.10.50 Ps. per sq.mt. Accordingly the present Appeal being First Appeal No.1625/99 is disposed of on the above terms. However, there will be no order as to costs.

(D.K.Trivedi,J)

(C.K.Buch,J)

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